

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LOR PAO VUE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:22-cv-00110-ADA-BAM

ORDER ADOPTING THE PARTIES'
STIPULATION FOR THE AWARD OF
ATTORNEY'S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(ECF No. 25)

On January 5, 2022, Plaintiff Lor Pao Vue ("Plaintiff") filed this action seeking review of a final decision of Defendant Commissioner of Social Security. (ECF No. 1.) The Court remanded the matter on January 20, 2023, for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 23.) On April 20, 2023, the parties filed a stipulation that Plaintiff should be awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$7,250.00. (ECF No. 25 at 1.) The parties further stipulate that Plaintiff is not entitled to any costs under 28 U.S.C. § 1920.

Accordingly,

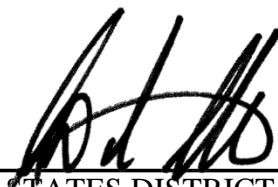
1. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees in the amount of \$7,250.00;
2. After the issuance of this order, the government shall consider the assignment of the Equal Access to Justice Act attorney's fees to Plaintiff's counsel as follows:

- a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's Offset Program;
 - b. Fees shall be made payable to Plaintiff, but if the Department of Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Jonathan O. Peña;
3. Whether the payment of attorney's fees is made payable to Plaintiff or to his counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Jonathan O. Peña
Peña & Bromberg, PLC
2440 Tulare St., Ste. 320
Fresno, CA 93721

IT IS SO ORDERED.

Dated: April 26, 2023


UNITED STATES DISTRICT JUDGE